

REMARKS

Claims 1-4 and 6-26 are now pending in the application. Claim 5 has been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DEFECTIVE OATH OR DECLARATION

The oath or declaration is noted as being defective because the prior foreign application serial No. GFB 0030456.8 and its filing date are missing from the declaration.

A substitute declaration incorporating the missing prior foreign application serial No. GFB 0030456.8 and its filing date is being prepared for signature and will be filed prior to issuance of a patent for this application.

DRAWINGS

Figures 2-3 stand objected to because reference numeral "176" has not been described in the specification. As noted herein, paragraph [0035] of the specification has been amended to identify the semi-circular protection guard (17) includes a semi-circular edge "176" in lieu of "174". No change to the Figures was required and no new matter has been added. The Examiner is respectfully requested to withdraw the objection to Figures 2-3.

Applicants herein attach replacement sheet 9/10, showing amended Figure 11. Figure 11 has been amended to include axis 304, described in paragraph [0061] of the specification. No new matter has been added.

SPECIFICATION

The specification is objected to because reference numeral "174" has been given two designations, a "semi-circular edge" on page 8, and "threaded aperture" on page 13. The specification paragraph [0035] of page 8 has been amended to change "semi-circular edge 174" to "semi-circular edge 176". This also addresses the Examiner's objection to Figures 2-3, noted herein, by providing a description for item 176 in the specification. The Examiner is respectfully requested to withdraw this objection to the specification.

The specification (on page 18) is also objected to because reference numeral "304" is not found in any drawings. Figure 11 has been amended to include an axis 304. Support for axis 304 is found in the specification as "the axis 304 which passes through the center of the collar 300", in paragraph [0061]. No new matter has been added. The Examiner is respectfully requested to withdraw this objection to the specification.

CLAIM OBJECTIONS

Claims 10 and 11 are objected to because of the informality in claim 10, line 3 of the word "the".

Claim 10 has been amended to delete the bracketed word "[the]" as recommended by the Examiner. This is an editorial correction and is not a narrowing amendment of claim 10. Claim 10 is therefore considered to be in allowable form. Because Claim 11 depends directly from amended Claim 10, Claim 11 is also considered to be in allowable form.

The Examiner is respectfully requested to withdraw the objections to Claims 10 and 11.

REJECTION UNDER 35 U.S.C. § 112

Claims 12 and 18-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly Claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claim 12 stands rejected because the Examiner noted "the guard surrounds at least part or all of the barrier" is incorrect and noted the phrase should read --the barrier surrounds at least part of all of the guard—. Applicants note the phraseology of Claim 12 is correct as claimed. Paragraphs [0017] and [0064] and Figure 12 (guard 17 and plant protector 400) support this embodiment of the invention, wherein the barrier, identified as plant protector 400, is "capable of pivoting to a position where the guard surrounds at least part or all of the barrier". Claim 12 has therefore not been amended and is considered to be in allowable form. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph rejection of Claim 12.

The Examiner noted the scope of Claims 18, 19-21, 22 and 23 are confusing. Claim 18 has been amended to clarify the scope of the claim by changing the preamble to "A ~~barrier for use on a~~ string trimmer, comprising:". The preambles of Claims 19-23 have been amended to agree with the preamble of amended Claim 18 to state in part "A ~~barrier~~ The string trimmer as claimed".

Applicants further note the dependency of Claims 19-21 have been amended such that Claims 19-21 depend directly from amended Claim 18.

The amendments to Claim 18 are considered to place Claim 18 in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph rejection of amended Claim 18. As rejected Claims 19-23 depend

either directly or indirectly from amended Claim 18, Claims 19-23 are considered to be in allowable form. The Examiner is therefore respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph rejections of Claims 19-23.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 6-8, 12, 14 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Powell (U.S. Pat. No. 4,872,265). This rejection is respectfully traversed.

Powell '265 discloses an attachment having a base plate 12 and an arcuate shaped spacer 25 (a generally circular rod formed into a semi-circle). Arcuate shaped spacer 25 is rotatably supported at a pivotal central portion 15a by a front edge 12b of the base plate 12. See column 1, line 65 through column 2, line 5 and figs. 2-3. Arcuate shaped spacer 25 can also be formed in a full elliptical shape. See column 2, lines 38-41 and fig. 5. As evident from fig. 1, arcuate shaped spacer 25 is capable of rotating through approximately 90 degrees, and is prevented by engagement of pin 16 from further rotation because pin 16 "is continually urged into an operative or locking position". See column 2, lines 15-17.

In contrast to Powell, Applicants' amended Claim 1 includes the element of previous dependent Claim 5 wherein the barrier "is able to pivot from a first position where it is located on one side of the elongate shaft to a second position where it is located on the other side of the elongate shaft". Applicants' amended Claim 1 is therefore submitted to be patentably distinguishable from Powell and is not anticipated by Powell. Powell therefore cannot form the basis for a 35 U.S.C. § 102(b) rejection of amended Claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. §

102(b) rejection of Claim 1. Because Claims 2-3, 6-8, 12 and 14 depend directly from amended Claim 1, Powell cannot form the basis for a 35 U.S.C. § 102(b) rejection of Claims 2-3, 6-8, 12 or 14. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejections of Claims 2-3, 6-8, 12 and 14.

In contrast to Powell, Applicants' amended Claim 18 discloses "a barrier formable as a band having a first edge and a second edge defining an arc, and a distally separatable pair of pivotable ends". Applicants' amended Claim 18 is therefore submitted to be patentably distinguishable from Powell and is not anticipated by Powell. Powell therefore cannot form the basis for a 35 U.S.C. § 102(b) rejection of amended Claim 18. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 18.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 6, 7, 9, 14, 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita (U.S. Pat. No. 4,756,084) in view of Ryan (U.S. Pat. No. 5,048,187). This rejection is respectfully traversed.

In reference to Applicants' Claim 1, Morita teaches a guard apparatus 13 having a guard 29 supported by an arm 31 through a coupling means 33 to a handle 17. See column 2, lines 60-65. Guard apparatus 13 is capable of rotation through a limited range by the provision of holes 73 through plates 63. See fig. 2. Based on the geometry of the Morita design, guard apparatus 13 cannot be rotated from one side of handle 17 to the other side of handle 17.

In reference to Applicants' Claim 1, Ryan teaches a cutter attachment 8 (identified generally as guard 36) which includes a pair of free guard ends 40,42 having a series of coaxially aligned through holes 50-52 and a cutter 44. Cutter 44 is intended to be positioned approximate to and cut off excess length of the monofilament 20. See column 3, lines 26-52. Cutter attachment 8 is able to rotate through approximately 180 degrees from a storage position in contact with a handle 12 via a clamp 80 to a guard position which "overlies" the cutter (monofilament 20) see Fig. 2. Rotating cutter attachment 8 past 180 degrees would prevent its function of cutting monofilament 20 and could not result in a stowed position on the opposite side of handle 12 because clamp 80 is available only on one side of handle 12.

Neither Morita or Ryan, separately or in combination, teach or suggest Applicants' feature of amended Claim 1 of a barrier "able to pivot from a first position where it is located on one side of the elongate shaft to a second position where it is located on the other side of the elongate shaft". The suggested modification of Morita and Ryan therefore cannot render Applicants' amended Claim 1 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 1. Because Claims 2-3, 6, 7, 9, 14, 15 depend either directly or indirectly from amended Claim 1, the suggested modification of Morita and Ryan therefore cannot render Applicants' Claims 2-3, 6, 7, 9, 14, 15 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 2-3, 6, 7, 9, 14, 15.

In reference to Applicants' Claim 18, Morita teaches a guard 29 approximately centrally and rigidly supported by arm 31. See Fig. 2.

In reference to Applicants' Claim 18, Ryan teaches a cutter attachment 8 (identified generally as guard 36) generally formed from a circular rod bent into a substantially triangular shape.

Neither Morita or Ryan, separately or in combination, teach or suggest Applicants' feature of amended Claim 18 of "a barrier formable as a band having a first edge and a second edge defining an arc, and a distally separatable pair of pivotable ends". The suggested modification of Morita and Ryan therefore cannot render Applicants' amended Claim 18 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 18.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 4, 5, 10, 11, 13, 16 and 17 would be allowable if rewritten in independent form. Applicants have amended Claim 1 to incorporate the element of previous Claim 5 wherein the barrier "is able to pivot from a first position where it is located on one side of the elongate shaft to a second position where it is located on the other side of the elongate shaft." Claim 5 has therefore been canceled. Because Claims 4, 10, 11, 13, 16 and 17 depend either directly or indirectly from amended Claim 1, Claims 4, 10, 11, 13, 16 and 17 are considered to be in condition for allowance.

The Examiner states that Claims 19-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base Claim and any intervening Claims. The rejections under 35 U.S.C. § 112, second paragraph have been overcome by the amendments noted herein, and Applicant further notes Claims 19-23 depend either directly or indirectly from

amended Claim 18, which is considered to be in allowable form. Claims 19-23 are therefore considered to be in allowable form.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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